

REMARKS

Claims 1-15, 17-18, 20-21 and 23-24 are pending in the Application.

Claims 1-15, 17-18, 20-21 and 23-24 remain rejected under 35 U.S.C. §112, second paragraph. Applicants amended claims 1-2, 6-7, 11-14, 17-18, 20-21 and 23-24 to overcome the rejections under 35 U.S.C. §112, second paragraph, as discussed below, thereby reducing issues for appeal. The Examiner has rejected claims 1-15, 17-18, 20-21 and 23-24 under 35 U.S.C. §112, second paragraph, for the use of the terms "approximately" and "approximate." Applicants amended claims 1-15, 17-18, 20-21 and 23-24 to remove the terms "approximately" and "approximate." Applicants respectfully assert that claims 1-15, 17-18, 20-21 and 23-24 particularly point out and distinctly define the metes and bounds of the subject matter. Accordingly, Applicants respectfully request the Examiner to withdraw the rejections to claims 1-15, 17-18, 20-21 and 23-24 under 35 U.S.C. §112, second paragraph.

Claims 1-2, 6-7, 11-14, 17-18, 20-21 and 23-24 were not amended to overcome prior art but to remove language that the Examiner considers to be indefinite. Hence, the amendments made to claims 1-2, 6-7, 11-14, 17-18, 20-21 and 23-24 were not narrowing in scope and therefore no prosecution history estoppel arises from the amendments to claims 1-2, 6-7, 11-14, 17-18, 20-21 and 23-24. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 1-2, 6-7, 11-14, 17-18, 20-21 and 23-24 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

Claims 1-2, 6-7, 11-14, 17-18, 20-21 and 23-24 remain rejected under 35 U.S.C. §103(a). Applicants respectfully traverse these rejections for at least the

reasons stated in the response with a mailing date of March 31, 2006 and file a Notice of Appeal concurrently herewith.

As a result of the foregoing, it is asserted by Applicants that claims 1-15, 17-18, 20-21 and 23-24 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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